

HUMAN SERVICES BOARD

In re) Fair Hearing No. H-06/09-316
)
 Appeal of)

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division terminating her Reach Up Financial Assistance (RUFA) benefits. The issue is whether the petitioner has an eligible child living in her household. The following findings are based on the undisputed representations of the parties and documentary evidence submitted pursuant to hearings in this matter held on July 2 and August 6, 2009.

1. The petitioner is the mother of a seventeen-year-old son. The petitioner's son receives SSI due to disability. The petitioner is his representative payee.

2. Prior to May 2009 the petitioner received RUFA benefits for herself as the parent of her son. Her son was not included in the petitioner's RUFA household due to his receipt of SSI, and his SSI income was not counted in determining the petitioner's eligibility for RUFA benefits.

However, her son was included in the petitioner's Food Stamp household, and his income was counted in determining the (two-person) household's eligibility for Food Stamps.

3. On May 5, 2009 a young woman, B., a minor, applied for RUFA for herself and her child, and she listed the petitioner's son as the father of her child, and stated that he was living in her household.

4. The Department verified that the petitioner's son was living in B.'s household, and it granted B.'s application for RUFA and Food Stamps. Again due to his SSI status, the petitioner's son was not included in B.'s RUFA household, but he was included in that household's Food Stamp grant.

5. In June 2009 the Department notified the petitioner that she was no longer eligible for RUFA because her son was not living with her. The Department also notified her that her Food Stamps would increase because her benefit level as a one-person household, counting only her income, was higher than it had been as a two-person household, which had also counted her son's income.

6. The petitioner filed an appeal of the RUFA decision because she felt her son's living status was not settled. A hearing held on July 7, 2009 was continued to allow the petitioner to consult with Legal Aid.

7. At the hearing on August 6, 2009 the petitioner conceded that her son had become a member of B.'s household. The petitioner remains his representative payee, but she pays all his SSI to him, and the Department does not count it as income for purposes of determining the petitioner's continuing eligibility for Food Stamps and medical benefits.

ORDER

The Department's decision terminating the petitioner's RUFA benefits is affirmed.

REASONS

The RUFA regulations define an "eligible child" as "an individual who meets all Reach Up criteria of need, age, and residence". The same regulation also provides: "An eligible child must also be living with a caretaker or a qualified relative." W.A.M. § 2230.

As noted above, the petitioner concedes that as of May 2009 her son was living in another household, and was receiving Food Stamps and medical benefits as a member of that household. Thus, the Department's decision terminating the petitioner's eligibility for RUFA must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 1000.4D.

#